

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 2ND CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 86

By: Myers and Coates of the  
Senate

6 and

7 Peterson (Ron) of the House

8  
9 2ND CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; amending 47 O.S.  
11 2001, Section 1-104, as last amended by Section 1,  
12 Chapter 173, O.S.L. 2006 (47 O.S. Supp. 2006, Section  
13 1-104), which relates to bicycles; modifying  
14 definition; amending 47 O.S. 2001, Section 1109, as  
15 last amended by Section 4, Chapter 295, O.S.L. 2006  
(47 O.S. Supp. 2006, Section 1109), which relates to  
motor vehicle registration records; providing  
definition; providing for disclosure of certain  
personal information; and modifying fees for certain  
records.

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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-104, as  
20 last amended by Section 1, Chapter 173, O.S.L. 2006 (47 O.S. Supp.  
21 2006, Section 1-104), is amended to read as follows:

22 Section 1-104. A. A bicycle is a device upon which any person  
23 or persons may ride, propelled solely by human power through a belt,  
24 chain, or gears, and having two or more wheels, excluding mopeds.

1 B. An electric-assisted bicycle is any bicycle with:

2 1. Two or three wheels; and

3 2. Fully operative pedals for human propulsion and equipped  
4 with an electric motor:

5 a. with a power output not to exceed one thousand (1,000)  
6 watts,

7 b. incapable of propelling the device at a speed of more  
8 than ~~twenty (20)~~ thirty (30) miles per hour on level  
9 ground, and

10 c. incapable of further increasing the speed of the  
11 device when human power alone is used to propel the  
12 device at a speed of ~~twenty (20)~~ thirty (30) miles per  
13 hour or more.

14 An electric-assisted bicycle shall meet the requirements of the  
15 Federal Motor Vehicle Safety Standards as set forth in federal  
16 regulations and shall operate in such a manner that the electric  
17 motor disengages or ceases to function when the brakes are applied.

18 C. A motorized bicycle is any bicycle having:

19 1. Fully operative pedals for propulsion by human power;

20 2. An automatic transmission; and

21 3. A combustion engine with a piston or rotor displacement of  
22 ~~fifty cubic centimeters (50 cu cm)~~ one hundred fifty cubic  
23 centimeters (150 cu cm) or less, regardless of the number of  
24 chambers in the engine, which is capable of propelling the bicycle

1 at a maximum design speed of not more than thirty (30) miles per  
2 hour on level ground.

3 D. As used in this title, the term "bicycle" shall include  
4 tricycles, quadcycles, or similar human-powered devices, electric-  
5 assisted bicycles, and motorized bicycles unless otherwise  
6 specifically indicated.

7 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1109, as  
8 last amended by Section 4, Chapter 295, O.S.L. 2006 (47 O.S. Supp.  
9 2006, Section 1109), is amended to read as follows:

10 Section 1109. A. All information contained in certificates of  
11 title, applications therefor, vehicle registration records and  
12 computer data files is hereby declared to be confidential  
13 information and shall not be copied by anyone or disclosed to anyone  
14 other than employees of the Oklahoma Tax Commission or the  
15 Corporation Commission in the regular course of their employment,  
16 except as provided in subsection B of this section. As used in this  
17 section, "personal information" means information that identifies an  
18 individual including name, address (excluding the five-digit zip  
19 code) and telephone number, but does not include information on  
20 vehicular accidents, driving violations and driver's status.

21 B. Personal information referred to in subsection A of this  
22 section shall be disclosed for use in connection with matters of  
23 motor vehicle or driver safety and theft, motor vehicle emissions,  
24 motor vehicle product alterations, recalls or advisories, and

1 removal of non-owner records from the original owner records of  
2 motor vehicle manufacturers to carry out the purpose of Titles I and  
3 IV of the Anti Car Theft Act of 1992, the Automobile Information  
4 Disclosure Act (15 U.S.C., Section 1231 et seq.), the Clean Air Act  
5 (42 U.S.C., Section 7401 et seq.) and Chapters 301, 305 and 321-331  
6 of Title 49 of the United States Code and may be disclosed as  
7 follows:

8 1. For use by any governmental agency, including but not  
9 limited to any court or law enforcement agency, in carrying out its  
10 functions, or any private person or entity acting on behalf of a  
11 federal, state or local governmental agency in carrying out its  
12 functions. Information relating to motor vehicle insurance,  
13 including the insurer and insurance policy numbers, may be released  
14 to law enforcement officers investigating an accident pursuant to  
15 the provisions of Section 10-104 of this title;

16 2. For use by any motor vehicle manufacturer or an authorized  
17 representative thereof in connection with matters of motor vehicle  
18 or driver safety and theft, motor vehicle emissions, motor vehicle  
19 product alterations, recalls or advisories, performance monitoring  
20 of motor vehicles, motor vehicle parts and dealers, motor vehicle  
21 market research activities, including survey research, and removal  
22 of non-owner records from the original owner records of motor  
23 vehicle manufacturers. The confidentiality of the information shall  
24 be protected, as set out above, and used only for the purpose

1 | stated; provided, further, that the Tax Commission or Corporation  
2 | Commission shall be authorized to review the use of and the measures  
3 | employed to safeguard the information; and provided, further, that  
4 | the manufacturer or representative shall bear the cost incurred by  
5 | the Tax Commission or Corporation Commission in the production of  
6 | the information requested. If the confidentiality provisions, as  
7 | set out above, are violated, the provisions of subsection D of  
8 | Section 205 of Title 68 of the Oklahoma Statutes shall apply and the  
9 | privilege of obtaining information shall be terminated. Any  
10 | manufacturer or representative violating the provisions of this  
11 | paragraph, upon conviction, shall be punishable by a fine not to  
12 | exceed Fifty Thousand Dollars (\$50,000.00);

13 |       3. For use by any person compiling and publishing motor vehicle  
14 | statistics, provided that such statistics do not disclose the names  
15 | and addresses of individuals. Such information shall be provided  
16 | upon payment of a reasonable fee as determined by the Tax Commission  
17 | or the Corporation Commission;

18 |       4. For use by a wrecker or towing service licensed pursuant to  
19 | the provisions of Section 951 et seq. of this title for use in  
20 | providing notice to the owners and secured parties of towed or  
21 | impounded vehicles, upon payment of a fee of One Dollar (\$1.00) per  
22 | vehicle record page to the Tax Commission, the Corporation  
23 | Commission or any motor license agent;

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1           5. For use by a legitimate business or its agents, employees,  
2 or contractors for use in the normal course of business, upon  
3 payment of a fee of One Dollar (\$1.00) per vehicle record page to  
4 the Tax Commission, the Corporation Commission or any motor license  
5 agent, but only:

6           a. to verify the accuracy of personal information  
7               submitted by the individual to whom the information  
8               pertains to the business or its agents, employees, or  
9               contractors, or

10          b. to obtain the correct information, if such information  
11               submitted by the individual to whom the information  
12               pertains to the business is not correct, or is no  
13               longer correct, but only for the purposes of  
14               preventing fraud by, pursuing legal remedies against,  
15               or recovering on a debt or security interest against  
16               the individual;

17          6. For use in connection with any civil, criminal,  
18 administrative or arbitral proceeding in any federal, state or local  
19 court or agency or before any self-regulatory body, including the  
20 service of process, investigation in anticipation of litigation, and  
21 the execution or enforcement of judgments and orders, or pursuant to  
22 an order of a federal, state or local court, upon payment of a fee  
23 of One Dollar (\$1.00) per vehicle record page to the Tax Commission,  
24 the Corporation Commission or any motor license agent;

1 7. For use by any insurer or insurance support organization, or  
2 by a self-insured entity, or its agents, employees, or contractors,  
3 in connection with claims investigation activities, anti-fraud  
4 activities, rating or underwriting, upon payment of a fee of One  
5 Dollar (\$1.00) per vehicle record page to the Tax Commission, the  
6 Corporation Commission or any motor license agent;

7 8. For use by any licensed private investigative agency or  
8 licensed security service for any purpose permitted under this  
9 subsection, upon payment of a fee of One Dollar (\$1.00) per vehicle  
10 record page to the Tax Commission, the Corporation Commission or any  
11 motor license agent;

12 9. For use by a requester, upon payment of a fee of One Dollar  
13 (\$1.00) per vehicle record page to the Tax Commission, the  
14 Corporation Commission or any motor license agent, if the requester  
15 demonstrates that it has obtained the written consent of the  
16 individual to whom the information pertains;

17 10. For use in connection with the operation of private toll  
18 transportation facilities; or

19 11. For furnishing the name and address of all commercial  
20 entities who have current registrations of any particular model of  
21 vehicle; provided, this exception shall not allow the release of  
22 personal information pursuant to the provisions of the Driver's  
23 Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725.

1        The Tax Commission shall collect a reasonable fee to recover the  
2 costs of providing the data. As used in this section, the term  
3 "vehicle record page" means a computer-generated printout of the  
4 motor vehicle inquiry screen. Information provided on the motor  
5 vehicle inquiry screen printout shall include the current vehicle  
6 owner name and address, vehicle make, model and year, identifying  
7 numbers for the vehicle license plate, certificate of title and  
8 vehicle identification number, relevant dates relating to the  
9 vehicle registration and certificate of title, and lien status.

10        ~~B.~~ C. In addition to the information provided on the vehicle  
11 record page, the Tax Commission or Corporation Commission may, upon  
12 written request, release to any requester authorized by the  
13 provisions of this section to obtain individual motor vehicle  
14 information, corresponding copies of vehicle certificates of title,  
15 applications therefor, vehicle registration records and computer  
16 data files.

17        There shall be an informational search and retrieval fee of Five  
18 Dollars (\$5.00) per vehicle computer record search. If the Tax  
19 Commission or Corporation Commission performs a manual search, the  
20 fee shall be Seven Dollars and fifty cents (\$7.50) per vehicle. The  
21 Tax Commission is authorized to promulgate rules whereby motor  
22 license agents, when requesting such documentation in the  
23 performance of their duties, are exempt from this retrieval fee.  
24 Certified copies of vehicle certificates of title and applications

1 therefor shall be included within the informational search and  
2 retrieval by the Tax Commission or Corporation Commission for a fee  
3 of Ten Dollars (\$10.00). Such duly certified copies may be received  
4 in evidence with the same effect as the original when the original  
5 is not in the possession or under the control of the party desiring  
6 to use the same.

7 C. D. Requesters authorized by this section to receive ~~motor~~  
8 ~~vehicle~~ information shall submit to the Tax Commission, Corporation  
9 Commission or motor license agent an affidavit supported by such  
10 documentation as the Tax Commission or Corporation Commission may  
11 require, on a form prescribed by the Tax Commission or Corporation  
12 Commission certifying that the information is requested for a lawful  
13 and legitimate purpose and will not be further disseminated.

14 D. E. Notwithstanding the foregoing, the Tax Commission or  
15 Corporation Commission may allow the release of information from its  
16 motor vehicle records upon magnetic tape consisting only of the  
17 following information:

- 18 1. The date of the certificate of title;
- 19 2. The certificate of title number;
- 20 3. The type of title issued for the vehicle;
- 21 4. The odometer reading from the certificate of title;
- 22 5. The year in which the vehicle was manufactured;
- 23 6. The vehicle identification number for the vehicle;
- 24 7. The make of the vehicle; and

1 8. The location in which the vehicle is registered.

2 The Tax Commission or Corporation Commission shall allow the  
3 release of such information upon payment of a reasonable fee to be  
4 determined by the Tax Commission or Corporation Commission. The  
5 information released as authorized by this subsection may only be  
6 used for purposes of detecting odometer rollback or odometer  
7 tampering, for determining the issuance in this state or any other  
8 state of salvage or rebuilt titles for vehicles or for determining  
9 whether a vehicle has been reported stolen in this state or any  
10 other state.

11 ~~E.~~ F. Notwithstanding the provisions of this section or of  
12 Section 205 of Title 68 of the Oklahoma Statutes, the Tax Commission  
13 or Corporation Commission may inform a secured party that taxes and  
14 fees are delinquent with respect to a vehicle upon which the secured  
15 party has a perfected lien.

16 ~~F.~~ G. Fees received by a motor license agent pursuant to the  
17 provisions of this section shall not be included in the maximum sum  
18 that may be retained by motor license agents as compensation  
19 pursuant to the provisions of Section 1143 of this title.

20 ~~G.~~ H. All funds collected by the Tax Commission pursuant to the  
21 provisions of this section shall be deposited in the Oklahoma Tax  
22 Commission Revolving Fund. All funds collected by the Corporation  
23 Commission pursuant to the provisions of this section shall be  
24 apportioned as provided in subsection C of Section 3 of this act.

1       ~~H.~~ I. It is further provided that the provisions of this  
2 section shall be strictly interpreted and shall not be construed as  
3 permitting the disclosure of any other information contained in the  
4 files and records of the Tax Commission or Corporation Commission.

5       ~~I.~~ J. It shall be unlawful for any person to commit any of the  
6 following acts:

7           1. To knowingly obtain or disclose personal information from a  
8 motor vehicle record for any use not expressly permitted by this  
9 section; or

10           2. To make false representation to obtain any personal  
11 information from an individual's motor vehicle record.

12       Any violation of the provisions of this section shall constitute  
13 a misdemeanor and shall be punishable by the imposition of a fine  
14 not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment  
15 in the county jail for a term not exceeding one (1) year, or by both  
16 such fine and imprisonment. Where applicable, a person convicted of  
17 a violation of the provisions of this section shall be removed or  
18 dismissed from office or state employment. No liability whatsoever,  
19 civil or criminal, shall attach to any member or employee of the Tax  
20 Commission or Corporation Commission for any error or omission in  
21 the disclosure of such information.

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